

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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29 SEP 2003

**PCT**

To:

Kurig, Thomas  
Bavariastrasse 7  
D-80336 München

BECKER KURIG STRAUS  
BAVARIASTRASSE 7 - 80336 MÜNCHEN

14 Feb. 2003

WRITTEN OPINION

12.3.03 not NL

(PCT Rule 66)

WV: 02.04.03 LF: 12.11.03

Date of mailing  
(day/month/year)

11-02-2003

Applicant's or agent's file reference

50891 WO

REPLY DUE

within 60 days  
from the above date of mailing

Tk 12.04.03  
not NL

International application No.

PCT/IB02/01044

International filing date (day/month/year)

03.04.2002

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

H04Q7/22

Applicant

Nokia Corporation et al.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 03.08.2004

Name and mailing address of the IPEA/SE

Patent- och registreringsverket  
Box 5055  
S-102 42 STOCKHOLM

Facsimile No. 08-667 72 88

Telex

17978

PATOREG-S

Authorized officer

Jan Silfverling/LR

Telephone No. 08-782 25 00

**I. Basis of the opinion****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed
- ☐ the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement) under article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheet/fig \_\_\_\_\_

**5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2 (c)).**

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims		YES
	Claims	<u>1-16</u>	NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-16</u>	NO
Industrial applicability (IA)	Claims	<u>1-16</u>	YES
	Claims		NO

**2. Citations and explanations**

Document found to be relevant in the International Search Report:

D1: WO 0156312 A1

D1 describes a method and a system for checking the status of a Mobile Station (MS) in a cellular communication system including a Short Message Service Centre (SMSC); a Home Location Area (HLR); a short message Transmission Server (TS); a short message Service Platform (SP), and a Data Base (DB) (see abstract, and figure 1). The method comprising the steps of sending a query on the status of MS from SP to TS, and delivering a response to MS based on its attainability status (see figure 2a). As stated in D1 (see page 5, lines 29-32, and page 8, lines 4-7), TS can be implemented in the SMSC. Thus, the first query on the status of MS is send to the SMSC.

Claim 1:

The claimed invention according to claim 1 describes a method for executing a communication attempt with MS in accordance with its attainability status. The method comprising the steps of querying the SMSC on the status of MS, and delivering a response to the MS based on its status. In D1 (see above), a similar method in querying SMSC on the status of MS, and delivering a response to MS is presented. Therefore, the invention according to claim 1 lacks novelty.

Claim 2:

The claimed invention according to claim 2, describes a method in which the SMSC sends a query on the status of MS to the HLR. According to D1 (see claim 1), a query is send to the HLR from the SMSC. Therefore, the invention according to claim 2 lacks novelty.

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box V

Claims 3-8:

The claimed invention according to claims 3-8 describes a method in which the attainability status is obtained by evaluating connection related data stored in the SMSC or the HLR. These connection related data concern messages pending to be delivered to the MS. In D1, it is described that evaluation of the attainability status is performed by the TS, which is part of the SMSC (see claim 9). In the case the MS can be reached, the SMSC sends a message to the MS, alternatively, if the subscriber cannot be reached, the message is instead saved in the SMSC until the MS becomes reachable (see page 7, lines 17-35). Thus, connection related data are evaluated, and pending messages stored in the SMSC waiting to be delivered to the MS are described in D1. Therefore, the invention according to claims 3-8 lacks novelty.

Claims 9-11:

The claimed invention according to claims 9-11 concerns a software tool and a computer program implemented in the SMSC or a network device for enabling the checking of the MS status in the communication network according to claims 1-8. In D1 (see page 6, lines 3-34), it is described that the steps of querying, checking and delivering the status of the MS in the communication network are implemented using a computer program installed in the SMSC and the HLR. Therefore, the invention according to claims 9-11 lacks novelty.

Claims 12-16:

The claimed invention according to claims 12-16 describes the network devices involved in the operations of querying, checking and delivering of the MS status and related messages in the cellular communication network. These network devices are: the SMSC, the HLR, and the service centre. These network devices are all described in D1 and used for querying, checking and delivering the MS status and related messages in the communication network (see figure 1; abstract; and claims 1 and 6). Therefore, the invention according to claims 12-16 lacks novelty.

To summarize:

The claimed invention according to claims 1-16 lacks novelty, and is therefore considered not to involve an inventive step. The claimed invention according to claims 1-16 is industrially applicable.